

### **REMARKS**

This responds to the Office Action mailed on August 23, 2005.

Claims 1, 9, 10, 12-14, 19, 30, 34, 41, 55, 62, and 67 are amended, claims 8, 11, 26 and 49-54 are canceled, and no claims are added; as a result, claims 1-7, 9-10, 12-25, 27-48 and 55-70 are now pending in this application.

The Applicants note that claims 11-14 and 26-28 are objected to by the Examiner, but would be allowable if rewritten into the corresponding base claim including any intervening claims.

#### **§103 Rejection of the Claims**

Claims 1-8, 15, 18-25, 29-48, 55-61 were rejected under 35 USC § 103(a) as being unpatentable over Schiff (U.S. 2004/0042389 A1) in view of Ben-Eli (U.S. 2003/0134652 A1).

Each of the independent claims has been amended to include the limitations of one or more of the claims objected to by the Examiner. As a result, the Applicants believe that each of the independent claims is allowable over the art of record since this art does not teach or suggest the limitations of the objected to claims 11-14 and 26-28. Accordingly, the Applicants believe that each of the independent claims are allowable over the cited art and the dependent claims are allowable by virtue of their dependence on an allowable base claim.

Claim 10 was also rejected under 35 USC § 103(a) as being unpatentable over Schiff in view of Ben-Eli, and further in view of Lundby (U.S. 2004/0184513 A1).

Claim 10 is believed allowable by virtue of its dependence upon an allowable base claim 1 for the reasons mentioned above. As a result this rejection is believed overcome.

Claim 9 and 62-66 were also rejected under 35 USC § 103(a) as being unpatentable over Schiff in view of Ben-Eli, and further in view of Smolyar et al. (U.S. 2003/0114179 A1).

Claim 9 is believed allowable by virtue of its dependence upon an allowable base claim 1 for the reasons mentioned above. As a result this rejection is believed overcome.

Claim 62 has been amended to include using the timing and tracking information to estimate the position of a communication device. Smolyar does not teach or suggest this

limitation. Accordingly, the Applicants believe that claim 62 is allowable over the cited art. The dependent claims are allowable by virtue of their dependence on allowable base claim 62.

Claims 16, 17 and 67-70 were also as being unpatentable over Schiff in view of Ben-Eli, and further in view of Kong et al. (U.S. 6,473,619).

Claims 16 and 17 are believed allowable by virtue of their dependence upon an allowable base claim 1 for the reasons mentioned above. As a result this rejection is believed overcome.

Claim 67 has been amended to include using the timing and tracking information to estimate the position of a communication device. Kong does not teach or suggest this limitation. Accordingly, the Applicants believe that claim 67 is allowable over the cited art and the dependent claims are allowable by virtue of their dependence on allowable base claim 67.

#### Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, Frank Bogacz at (480) 361-7740, or Applicant's below-named representative at (612) 349-9592 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,  
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By their Representatives,  
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Date Oct. 18, 2005

By Ann M. McCrackin  
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 18 day of October 2005.

John D. Gustaf-Wrathall

Name

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Signature